



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-1370 FAX (603) 271-1381



September 26, 2003

Mr. David P. Fitch
Director & Facility Services
The Memorial Hospital
3073 White Mountain Highway
P.O. Box 5001
North Conway, New Hampshire 03860

CERTIFIED MAIL (7099 3400 0003 0687 3537)
RETURN RECEIPT REQUESTED

NOTICE OF PAST VIOLATION

Dear Mr. Fitch

On December 13, 2001, the New Hampshire Department of Environmental Services, Air Resources Division ("DES") conducted a compliance inspection at The Memorial Hospital ("Memorial") located in North Conway, New Hampshire. The purpose of the inspection was to determine Memorial's compliance status with the N.H. Code of Admin. Rules Env-A 100 *et seq.*, and State Permit to Operate FP-S-0030 ("the Permit"). The purpose of this letter is to notify you of the violation(s) discovered during the December 13, 2001 inspection and subsequent file review, and to document those and other violations that have been identified by DES since the inspection, which have since been corrected. The specific violations are as follows:

- Memorial was issued the Permit on June 13, 1997, which expired on June 30, 2002. Prior to expiration of the Permit, Memorial should have submitted an application to renew its Permit. Env-A 608.10 states that the owner or operator of a State Permit to Operate shall submit to DES an application for permit renewal at least 90 days prior to the designated expiration date of the state permit to operate. During the December 13, 2001 inspection, the DES inspector told Mr. Steve Fitzpatrick, who at that time was the Facilities Manager at Memorial, that a permit application must be submitted to DES in order to renew its Permit. On October 1, 2002, DES received an application from Memorial and on May 5, 2003, DES renewed the Permit;
- Memorial installed a new Caterpillar 3406 42R06820 emergency generator in October 2000. In accordance with Env-A 607.01, Memorial was required to obtain a Temporary Permit or State Permit to Operate prior to the installation of the new emergency generator. On October 1, 2002, DES received a permit application for the device. On May 5, 2003, DES renewed the Permit which included operating conditions for the new emergency generator;
- Memorial is required by Condition VIII. A of the Permit and Env-A 907.01 to submit an annual emission report to DES on or before April 15th for the previous years emissions. On August 22, 2003, DES received Memorial's calendar year 2000 emission inventory report. On January 3, 2003, DES received Memorial's calendar year 2001 emission inventory report. Lastly, on September 3, 2003, DES received Memorial's calendar year 2002 emission inventory report. These reports were all submitted late; and
- Memorial is required by Condition VII of the Permit and Env-A 704.04 to pay emissions-based fees by October 15th, unless otherwise specified, for the previous years emissions. On February 20, 2003, DES received Memorial's fees for calendar year 1999 which were due by January 31, 2001. On December 26, 2001, DES received Memorial's fees for calendar year 2000 which were due by October 15, 2001. On January 3, 2003, DES received Memorial's fees for calendar year 2001 which were due by October 15, 2002. These fees were all submitted late.

Due to the actions taken by Memorial to correct the violations, DES believes that no further action in response to the listed violations is required. DES requests that Memorial comply with all terms and conditions contained in the Permit. In the event that other violations are identified, DES may take further action against Memorial including issuing an administrative order, seeking administrative fines, and/or referring this matter to the New Hampshire Department of Justice for civil and/or criminal penalties.

If you believe that DES has cited these violations in error, or have questions regarding these matters, please contact Mike O'Brien at (603) 271-0872, Compliance Bureau, Air Resources Division. A current copy of the Air Resource Division rules can be obtained from the DES website at <http://www.des.state.nh.us/ard/ardrules.htm>, or by contacting the Public Information Center at (603) 271-2975.

Sincerely,



Pamela G. Monroe
Compliance Bureau Administrator
Air Resources Division

cc: R. Scott, Chief Air Programs Mgr, NHDES-ARD
M. Harbaugh, DES Legal Unit
R. Kurowski, EPA Region I
T. Kennett, Selectman, Conway
File AFS# 3300300006